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SUBJECT: NEW COMMISSION STEPS ON HOMELAND SECURITY

Sensitive but unclassified, entire text.

1. This is an action message, see paragraphs 2 and 19.

Introduction, Summary and Action Request

2. (SBU) This message provides a snapshot of the state of play of homeland security initiatives and organizations within the Commission. It is organized by directorates general. In many cases, officials in these positions, following the U.S.-EU Summit statement, have requested additional coordination and contact with U.S. officials. DG Transport and Energy (DG TREN) has reorganized its security function for both energy and transport into one security directorate. DG TREN is also leading the Commission's investigation into the DOE Megaports Initiative and preparing to implement new legislation on port and ship security. The European Network and Information Security Agency will begin operations in January 2005. DG Environment's consequence management emergency center stands ready to work with U.S. officials to implement the provisions of the consequence management section (paragraph 5) of the U.S.-EU Summit Declaration on Combating Terrorism, but note that they have not yet made contact with FEMA. USEU requests contact information for appropriate FEMA officials to implement this portion on the Summit statement (See paragraph 19). End Introduction, Summary, and Action Request.

DG TREN: New Structure

3. (SBU) Within DG TREN the Commission has formed a New Directorate J for Transport and Energy Security currently headed by Jean Trestour, formerly the head of a maritime unit within transport. The Directorate divides into four units. The Unit J.1, headed by Patrick Vankerckhoven will be responsible for international relations and new legislation and will take over operation on the U.S.-EU Transportation Security Cooperation Group. According to Trestour, the primary tasks of the new nine-member J.1 unit will include conceptualizing and developing new transport security policies, harmonization of existing member state security rules, defining a strategy for inspecting member state implementation of rules at airports and seaports, developing a research and development plan for transport and energy security, as well as appropriate funding mechanisms, developing a "crisis cell" to deal with transport and energy related emergencies that would operate in conjunction with the consequence management center already operating in DG ENVIRONMENT (see paragraph X) and situation rooms in the Council Secretariat and in DG RELEX, and coordination with DG TAXUD, JAI, and RELEX. The group would also be responsible broadly for cooperation outside the EU and in international fora.

4. (SBU) Unit J.2, Inspection, will be the largest group with thirty people and headed by former Safety and Security Unit Head Eckard Seebohm. The group will divide further into subgroups on aviation and maritime. Besides containing the cadre of port and airport inspectors meant to enforce community rules as set out in regulations 2303/2003 for airports and 725/2004 for seaports, the unit will develop harmonized rules for the qualification of member state inspectors and develop a peer review process for those inspectors, develop inspection methodologies in conjunction with the new European Maritime Safety Agency, and the maritime unit within DG TREN.

5. (SBU) A new Unit J.3 will address Energy Security to include protection of pipelines, electrical networks, transformer banks, and radioactive materials (old x-ray equipment, etc.) Dolores Carillo, formerly Deputy Director of EURATOM will head J.3 once the Unit is formally started early in 2005 most likely, according to Trestour, with 5-6 staff. Trestour suggested that in addition to its broad based responsibility, the new unit J.3 will be proposing new directives on the management of radioactive sources, coordination on security issues between member states and utilities, and coordination with international organizations.

6. (SBU) J.4, another virtual unit slated for operation in 2005 will cover transport of hazardous goods and intermodal

transport. This Unit's objective will be to look at the transport of goods across modes to ensure that regulations are harmonized across modes. Wolfgang Elsner will serve as head of the 6 person unit. According to Trestour, its primary policy focus at the outset will be to develop a Europe-wide policy on tracking of dangerous goods.

17. (SBU) Comment: With the recently announced split of DG TREN into a DG for Transport and a DG for Energy this structure will almost certainly change. Trestour himself is not certain if the directorate will split sending unit J.3 to the new energy directorate with the remaining units staying with transport or if the entire directorate will move to the new DG for Justice, Liberty, and Security. End Comment.

DOE's Second Line of Defense

18. (SBU) J.1 head Patrick Van Kerckhoven is beginning to look at the DOE's Second Line of Defense program. Within the Commission leadership, Van Kerckhoven, a former official at EURATOM worked previously on threats posed by nuclear materials, as a result, he, and DG TREN have been handed the lead on the SLD program. USEU has previously arranged discussion between Van Kerckhoven and DOE officials. In July 2004, the government of Slovenia requested that the Commission approve its plan to participate in the SLD program allowing DOE to provide radiation detection equipment for installation at one Slovenian port and at one land border crossing. Before the Commission gives that approval, they have requested further consultations with DOE on the program. We have proposed consultations in Brussels September 13-15 and are awaiting a formal EU response.

EU Maritime Legislation

19. (SBU) In the Inspection unit, airport inspections are continuing as previously reported in the Transport Security Cooperation Group. On the maritime side, the inspections unit will begin inspections of member state port facilities under the 2004 EU "Regulation on Enhancing Ship and Port Facility Security" 725/2004 which codified in EU law and made mandatory aspects of the 2002 amendments to the 1974 International Convention for the Safety of Life at Sea (SOLAS) and the International Ship and Port Facility Security Code (ISPS). In the June Summit statement, the U.S. and the EU committed to increase maritime, port facility, and vessel security through the International Ship & Port Facility Security Code. The EU regulation calls for member states to create security plans for each port facility. Commission officials would then inspect the member states to ensure that plans were in place and that member states were properly overseeing their facilities in accordance with their plans.

110. (SBU) Earlier in June the Commission attempted to win passage of a directive complementary to 725/2004 to enhance security in areas not covered by the regulation. The proposed directive would cover areas such as persons working at or passing through ports and infrastructure and equipment and does not create new obligations in areas already covered.

111. (SBU) Both pieces of legislation provide for member state designation of a port security authority for each port, the appointment of a security agent and the drafting of security plans. Different measures will apply according to risk levels that will be determined through prior assessment. The compromise text agreed by the Council also concerns controls prior to embarkation on board of Roll-on Roll-off ferries.

112. (SBU) The Commission was taken by surprise when member states moved at the June 11, 2004 Transport Council to limit the Commission's role in the complementary areas, reserving the area for member states. The proposed legislation will go to Parliament in the fall of 2004. Commission officials remain hopeful that they can reverse the Council's decision in the second reading and include these secondary aspects of port security under the Commission's ambit.

DG TAXUD: New Structure

113. (SBU) While DG TAXUD has not gone as far as DG TREN in setting up a new security directorate, in recognition of the additional focus on supply chain security and the work created by the Container Security Initiative (CSI), responsibility has been shifted out of the control of John Pulford's unit on Customs Policy into a new unit that would deal with transit and supply chain security policy. The practical effect will be that John Pulford, current head of Unit for Customs Policy will turn over chairmanship of the two CSI working groups to the new head of unit for transit and supply chain security policy Maria Manuela Cabral.

DG INFORMATION SOCIETY:

Critical Information Infrastructure Protection

14. (SBU) Following up on a June 2001 Commission Communication on Network and Information Security, the Commission has recognized protecting its information infrastructure as an important factor for economic growth. While much of this responsibility rests with the member states, the Commission in 2002 decided to create a stand-alone European Network and Information Security Agency (ENISA). The EU issued a regulation 460/2004 this March creating the organization. ENISA's initial funding will be for five years.

15. (SBU) ENISA will help the EU and member states respond, address, and prevent network and information security problems. It will serve as a source of expertise for Europe on Information and Network Security Issues. It is meant to "stimulate action between the public and private sectors, and it will assist the Commission in preparing and updating legislation in network and information security. According to the responsible Commission officials, ENISA's strength will come from its ability to leverage existing European resources.

16. (SBU) Since passing the regulation, ENISA, to be located in Crete, has formed its management board (made up of representatives from industry, consumer groups academia, as well as one representative from each member state) and held its first meeting July 16. The board is currently searching for ENISA's first Executive Director. Assuming that the Management Board is able to select an executive director, the Commission expects the agency to become operational in January 2005.

17. (SBU) According to the Commission officials responsible for launching ENISA, the Commission's first requests of the agency will include: (1) Creating an "Inventory of Network Security Practices in the member states; ENISA would not do the work itself, but it would collect a list of member state network security contacts, and select a contractor for the study; (2) Inventory European industry practice on risk preparedness and business continuity; and (3) Conduct a further inventory on European Critical Information Infrastructure Protection to determine how European Information Infrastructure is protected.

18. (SBU) Commission officials also view ENISA as having an international role representing the EU and complementing member state participation in for a such as the OECD, ITU, WSIS, and in addressing and coordinating work within the G8 on Critical Information Infrastructure Protection.

DG ENVIRONMENT: Consequence Management

19. (SBU) As operators of the EU's "Monitoring and Information Center (MIC), responsibility for Consequence Management within the Commission falls to Civil Protection Unit within DG Environment (DG ENV) this same unit will be responsible for following up the four recommendations within the consequence management portion of the U.S.-EU Summit Statement on Combating Terrorism.

20. (SBU) The MIC serves as a voluntary clearinghouse for Europe wide information on emergency response capabilities in the EU and in some third countries. Deputy Director of the Center Gilles Vincent explained that any member state, candidate country, or EEA member, as well as third countries can choose to make use of the center after suffering an emergency incident, though the decision of whether to call upon the center's assistance is usually a political decision. As an example, Spain called upon the center in 2002 following the break up of the oil tanker Prestige off the Galician coast, but it chose to coordinate the assistance it received following the March 11 train bombings directly with France. Additionally, the center was called upon to coordinate European response following the 2002 Central European floods, 2003 forest fires in Portugal and France, the 2002 SE France floods, as well as the earthquakes in Iran and Morocco earlier this year.

21. (SBU) When notified of an event by an official 'first responder' the MIC checks its database of resources that could be used to respond from the information member states have provided. The MIC, working with the member states and the affected states then makes a determination of European assets that could be deployed to address the problem.

22. (SBU) The MIC also conducts exercises among its contacts in member states to prepare for responses to natural disasters. In 2005 the center plans to conduct similar exercises on response to terrorist attacks. Already he noted that European militaries, called on by the council to provide an inventory of combined capabilities for responding to a CBRN incident, decided to use the MIC database, already set

up to store that information giving the MIC access.

123. (SBU) In the medium term, the MIC will begin a critical assessment of European level requirements for capacity to respond to crises, though the timing of such a study remains undefined. Vincent explained that the capacity question, both existing capacity, as well as the need for and placement of new assets reflects directly on national prerogatives and decisions and remains very controversial in Europe. This political reality has prevented DG ENV from moving forward in this area. Nonetheless, Vincent believed that the continued need to optimize resource use by member states would eventually lead states to coordinate more effectively.

124. (SBU) To date, Vincent has reported no contacts with U.S. officials, but pointed out the June U.S.-EU Summit Conclusions as providing a possible pathway for U.S.-EU coordination.

McKinley